

**Kel McClanahan, Esq.**

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**Sent:** Monday, October 24, 2022 9:15 AM  
**To:** DCD\_ECFNotice@dcd.uscourts.gov  
**Subject:** Activity in Case 1:22-cv-00478-TJK MOYAR v. DEPARTMENT OF DEFENSE et al Order on Motion to Strike

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U.S. District Court

District of Columbia

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**Case Name:** MOYAR v. DEPARTMENT OF DEFENSE et al

**Case Number:** [1:22-cv-00478-TJK](#)

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### Docket Text:

**MINUTE ORDER denying Plaintiff's [11] Motion to Strike Jones Declaration. Under Federal Rule of Civil Procedure 12(f), a "court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). Motions to strike are drastic remedies that courts disfavor, and courts enjoy discretion to grant or deny them. *Riddick v. Holland*, 134 F. Supp. 3d 281, 285 (D.D.C. 2015). Pleadings that can be stricken under Rule 12(f) include those outlined in Rule 7(a), like complaints and answers, see *Henok v. Chase Home Fin., LLC*, 925 F. Supp. 2d 46, 52 (D.D.C. 2013), or documents filed in those pleadings' support, see *Jud. Watch, Inc. v. U.S. Dep't of Com.*, 224 F.R.D. 261, 263 (D.D.C. 2004). But "'motions, affidavits, briefs and other documents [are] outside of the pleadings' and are not subject to being stricken." *Henok*, 925 F. Supp. 2d at 5253 (citation omitted). Thus, declarations filed in support of motions also cannot be stricken under Rule 12(f). See, e.g., *Shaw v. District of Columbia*, No. 17-cv-738 (DLF/RMM), 2018 WL 5044248, at \*2 (D.D.C. Sept. 11, 2018); *Meyer v. Panera Bread Co.*, No. 17-cv-2565 (EGS/GMH), 2018 WL 5017747, at \*3 (D.D.C. Oct. 16, 2018). Here, Plaintiff moves to strike the Jones Declaration, see ECF No. 7-9, included as an exhibit to Defendants' [7] Motion to Dismiss. But as explained above, that document may not be stricken under Rule 12(f). Accordingly, it is hereby **ORDERED** that Plaintiff's [11] Motion to Strike is denied. It is further **ORDERED** that Plaintiff shall file his opposition to Defendants' [7] Motion to Dismiss by November 7, 2022, and Defendants shall file their reply by November 14, 2022. Signed by Judge Timothy J. Kelly on 10/24/2022. (lctjk2)**

**1:22-cv-00478-TJK Notice has been electronically mailed to:**

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